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December 19, 2003

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Your file:

Ms. Carolyn J. Horkins
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Suite 4900
Commerce Court West
199 Bay Street
Toronto, Ontario
M5L 1J3

Your file: reference claimant #100367

Re: Hepatitis C. Reference re

The Hon. R.S. Montgomery, Q.C.

Our file:

Please find enclosed Decision as to Costs dated
December 17, 2003.

Yours sincerely,

The Hon. Robert S. Montgomery, Q.C.

RSM/mc
Encl.

**IN THE MATTER OF A REFERENCE
TO REVIEW THE DECISION OF THE ADMINISTRATOR
UNDER THE HCV 1986-1990 TRANSFUSED SETTLEMENT AGREEMENT**

BETWEEN:

**CLAIM #1000367
FROM THE PROVINCE OF ONTARIO**

-AND-

**THE ADMINISTRATOR OF THE HEPATITIS C
CLASS ACTION SETTLEMENT**

COUNSEL:

**Philip P. Healey
for the Claimant**

**Carolyn J. Horkins
Fund Counsel representing the Administrator**

DECISION AS TO COSTS

As a referee under the Hepatitis C settlement, my sole jurisdiction arises from, and is limited by, the Settlement Agreement.

Appendix C to the Transfused HCV Plan sets out the powers of the referee and specifically deals with costs:

1. Powers of Referee

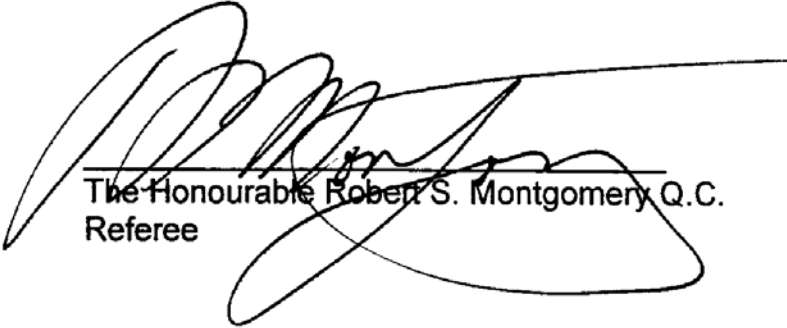
A Referee will have the power:

- (g) ... to award costs, in accordance with a tariff to be established by the Courts.

A referee or arbitrator has no jurisdiction to make an award beyond the amount stated in the tariff. The maximum allowed by the tariff is \$1,700. I, therefore, allow fees of \$1,700.

There is no jurisdiction to allow for travelling expenses to visit the office of the Administrator. I allow \$200 for hearing-related expense.

Dated at Toronto, this 17th day of December 2003.



The Honourable Robert S. Montgomery Q.C.
Referee